



Attorney Docket No.: 5808.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Lehmann Confirmation No: 4209
Serial No.: 09/488,265 Group Art Unit: 1652
Filed: January 20, 2000 Examiner: D. Ramirez
For: Improved Phytases

**TERMINAL DISCLAIMER TO OBLVIAE A DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I am an attorney or agent of record for the instant application.

Novozymes A/S and Roche Vitamins Inc, the owners of the entire interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second application no. 09/343,126. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Please charge the required fee, estimated to be \$110.00, to Novozymes North America, Inc. Deposit Account No. 50-1701. A duplicate of this sheet is enclosed.

Respectfully submitted,

Date: September 18, 2003



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